

- 1. Does your state license abortion clinics or those facilities and providers who perform abortions? If so, please identify what information must be provided or requirements must be met for a facility or provider to be licensed. In addition, please identify the number of abortion clinics licensed in your state for each year from 2008-2013.**

California does not have a licensing category specific to “abortion clinics”. A licensed Primary Care Clinic (PCC) may be authorized to perform abortion services by approval of its “abortion service,” the requirements for which are defined in California’s Title 22 (Sections 75040 through 75044) of the California Code of Regulations (CCR) [The complete set of licensure requirements for PCCs is provided as Illustration I; Sections 75040-75044 of Title 22 which pertain specifically to abortion services are provided as Illustration II]. PCCs that only perform pharmaceutical abortions may also apply for “program flexibility” to be exempt from the requirements that were developed as minimum standards for a surgical model of abortion [Illustration III, District Office Memorandum (DOM) 04-07 describes this process].

Other licensed facility types may provide abortion services, such as surgical clinics and general acute care hospitals (GACHs), including in affiliated outpatient clinics of the hospital, however these services are not identified as such on the facility license. The Title 22 CCR licensing requirements for GACHs are provided as Illustration IV. Because California has not yet promulgated regulations defining the licensing requirements of surgical clinics, the state uses the federal regulations for certified Ambulatory Surgical Centers (ASCs) to inspect surgical clinics prior to licensure. The federal regulations (Title 42 of the Code of Federal Regulations, Part 416) are provided as Illustration V.

The forms required to be submitted to the California Department of Public Health (CDPH) to obtain licensure in all of the licensed facility types that may provide abortions can be found at the following links:

<http://www.cdph.ca.gov/pubsforms/forms/Pages/HealthFacility-GACH.aspx>

<http://www.cdph.ca.gov/pubsforms/forms/Pages/HealthFacility-PCC.aspx>

<http://www.cdph.ca.gov/pubsforms/forms/Pages/HealthFacility-APCC.aspx>

(All of the licensing forms at the above websites are also provided in electronic format on the CD accompanying this document, along with an electronic copy of each Illustration.)

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Certified-only ASCs in California may also provide abortion services; but while under the oversight of CDPH (as the state survey agency for Medicaid/Medicare), ASCs are not a *licensed* facility category.

The table below identifies the number of each of the facility types in California where abortions may be performed that were newly licensed (or certified, in the case of ASCs) each year from 2008-2013.

Calendar Year	Ambulatory Surgical Centers	General Acute Care Hospitals	New Surgical Centers	New Primary Care Clinics
2008	36	7	4	6
2009	42	2	3	6
2010	25	6	1	4
2011	39	3	4	2
2012	22	4	2	2
YTD 2013	3	0	0	0
Total	167	22	14	20

Additionally, there are several facility types that are unlicensed, and/or for which CDPH does not have regulatory oversight including physician offices and outpatient settings which may also provide abortion services without explicit approval from the state to provide that service. These settings operate under the authority of the physician's license or through accreditation by a Medical Board of California approved accreditation agency. In addition, there are additional clinics that may operate in California that are "exempt" from licensure that may also provide abortion services (the requirements for clinics that are exempt from licensure are found at Health and Safety Code Section 1206 in Illustration XII).

- 2. For the years 2008-2013, please identify each abortion clinic for which your state has suspended or revoked its license and the reason for this action.**

None.

- 3. Does your state conduct inspections of abortion clinics or facilities that perform abortions? If so, please identify the number of clinics that your state has inspected for each year from 2008-2013. In addition, please identify how an inspection is conducted and what information is examined in the course of an inspection.**

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Yes. As mentioned above, California does not license “abortion clinics”. For those types of facilities licensed or certified by CDPH that may provide abortion services (PCCs, GACHs, Surgical Clinics, ASCs), CDPH has conducted:

Number of Inspections*

Type of Facility	2008	2009	2010	2011	2012	YTD 2013
Primary Care Clinics	34	92	116	182	118	47
General Acute Care Hospitals	368	4,105	6,857	8,131	6,077	1,775
Surgical Clinics	16	18	14	13	23	8
Ambulatory Surgical Centers	0	213	545	426	372	173

* includes licensing surveys and complaint investigations

Inspections of these facility types are conducted by trained surveyors, who confirm that the inspected facility type complies with the requirements of law and regulation. Illustrations VI-X provide examples of the “Survey booklets” used for the facility types mentioned above, in respective order, as guidance to the surveyors for what to examine during inspection. Note: Because California has not yet promulgated its own regulations for licensed Surgical Clinics, the state uses the federal ASC regulations and the ASC Survey booklet [Illustration X] to conduct inspections of this facility type.

4. Does your state monitor complaints or adverse health events relating to abortions? If so, how are these complaints filed or processed? How many complaints relating to abortions or abortion clinics have been filed for each year from 2008-2013?

Abortions are treated like any other medical procedure. Data related specifically to abortion services is not captured in the CDPH data base.

Complaints or adverse health events are not specifically categorized as abortion services so CDPH is unable to report or monitor for these services.

a. Please explain how your state investigates the complaints it receives relating to abortions. In addition, please explain how many investigations, including those included inspections of abortion clinics, have resulted from complaints filed for each year from 2008-2013.

Attached is the CDPH Complaint Process [Illustration XI], yet there are no specific protocols for investigating complaints related to abortion services. The requested data for the number of complaint related inspections or investigations of “abortion clinics” (or those facilities that can provide abortion services in California) are not available.

- 5. Please explain whether your state, including state professional licensure boards, has initiated any disciplinary actions against facilities or health care providers relating to abortions? Please identify the number of disciplinary actions taken in each year from 2008-2013 and the underlying violation or reason for the action.**

CDPH has not issued any deficiencies for any of the requirements specific to the provision of abortion services for PCCs from 2008-2013. Data related specifically to abortion services provided at other facility types is not captured in the CDPH database.

- 6. Please provide copies of the rules and regulations that govern facilities and licensed health care providers in your state that perform abortions, including the rules and regulations that specifically govern how abortions are conducted in your state.**

The laws governing facilities that may perform abortions in California are found in the California Health and Safety Code (CHSC). Specifically, Sections 1200-1245, Chapter 1, Division 2 of the CHSC, define the licensure requirements in statute for clinics, including PCCs and Surgical Clinics (provided as Illustration XII). Sections 1250-1339.59, Chapter 2, Division 2 define the licensure requirements of health facilities, including GACHs (provided as Illustration XIII).

Illustrations I and IV provide the Title 22 CCR regulation sections that define the licensure requirements of PCCs and GACHs, respectively. Surgical clinics and ASCs are governed by federal regulations (Title 42, Part 416, provided as Illustration V).

Requirements pertaining to practitioners are not overseen by CDPH.

- a. Which of these laws is your agency tasked with enforcing and how do you enforce them?**

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CDPH is responsible for enforcement of clinic and health facility licensing statutes and regulations. In addition, for certified facilities including ASCs, CDPH is the state agency for enforcing federal certification standards on behalf of Centers for Medicaid and Medicare Services. These requirements are enforced during periodic inspections and in response to complaints. When found to be non-compliant, CDPH may issue a state deficiency, a federal citation, or both which may or may not include a monetary penalty. CDPH also has authority to suspend or revoke the license of a facility.

- 7. On April 19, 2005, the Assistant Secretary for Children and Families issued a Program Instruction to state agencies administering the Child Abuse Prevention and Treatment Act (CAPTA) program. The instruction requires states to have procedures for responding to reports of medical neglect (including the withholding of medically indicated treatment from disabled infants with life-threatening conditions), and applies those protections equally to born-alive infants.**

- a. What actions has your state taken since 2005 to ensure that, at every licensed health care facility that provides abortions, there is a designated individual to report suspected medical neglect (including withholding or medically indicated treatment from disabled infants with life-threatening conditions) of born-alive infants to the state child protective services agency? Has the state received any such notifications and what were the outcomes?**

CDPH's Licensing and Certification Program (L&C) did not take action related to this requirement. The state child welfare agency is required to contact the health care facilities to determine the identity of the designated individual that is required to report suspected medical neglect.

- b. Does your state child protective services agency annually contact each health care facility to obtain purpose of coordination, consultation, and notification pursuant to 45 C.F.R. Section 1340.15? Does this contact include health care facilities that provide abortions? Please provide a list of all such designations.**

CDPH does not have the information to respond to this request